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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 201—FEDERAL SEED ACT[1]

AMENDMENTS TO THE RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT

By virtue of authority under section 402 of the Federal Seed Act (53 Stat. 1275) and after public hearing, held on May 12, 1941, notice of which was published in the FEDERAL REGISTER of April 10, 1941, the following amendments to the rules and regulations for the enforcement of the Federal Seed Act are hereby promulgated. These amendments shall become effective on and after the expiration of thirty days after date of publication herein except as to §§ 201.103 and 201.104, which shall become effective on and after the expiration of ninety days after date of publication herein.

[1] 5 F.R. 27.

§ 201.2 (h) (2) Insert the following: "sunflower (cultivated) (*Helianthus annus*), alyce clover (*Alysicarpus vaginalis*), cluster clover (*Trifolium glomeratum*), Ladino clover (*Trifolium repens*), hemp (*Cannabis sativa*), white mustard (*Brassica alba*), black mustard (*Brassica nigra*), turnip rape (*Brassica rapa* var.), annual rape (*Brassica napus* var.), bird rape (*Brassica campestris*), Adzuki bean (*Phaseolus angularis*)."

§ 201.2 (i) Insert: "Pak-choi (*Brassica chinensis*), Pe-tsai or Chinese cabbage (*Brassica pekinensis*), spinach mustard (*Brassica rapa pervridis*), vegetable mustards (*Brassica* spp.)."

§ 201.30 Add to the second sentence the words "and the month and year in which the germination test was completed."

§ 201.31 Insert after the word "okra" the number "1" which will refer to the subnote "including hard seed," and add "Pak-choi 75 percent, Pe-tsai or Chinese cabbage 75 percent, spinach mustard 75 percent, vegetable mustards 75 percent."

§ 201.58 In table 2 make the following indicated additions and corrections:

Name of seed	Substrata	Temperature	First count	Final count	Remarks
Change line beginning with "Bahia grass" to read as follows: "Bahia grass—*Paspalum notatum*"	P	30-35	3	21	Light at 30° C. Remove all glumes with aid of sharp scalpel. Fresh seed lightly scratch surface of caryopsis and use potassium nitrate."
Insert after "Barley": "Bean, Adzuki—*Phaseolus argularis*"	R, S	20-30	4	10"	"Fresh seed 15-30° C. daylight."
Under "Bluegrass", add to line beginning with "Kentucky" the following:					
Insert under "Clovers" after "Alsike": "Alyce—*Alysicarpus vaginalis*"	B	30	4	21"	
Insert under "Clovers" after "Bur": "Cluster—*Trifolium glomeratum*"	B	20	4	10"	
Insert under "Clovers" after "Crimson": "Ladino—*Trifolium repens*"	B, S	20	3	10"	
Insert after "Guinea Grass": "Hemp—*Cannabis sativa*"	B	20-30	3	7"	
After line beginning with "Korean"—insert the following: "Lupine—*Lupinus alba*"	B, T	20	3	7"	
Delete line beginning with "Rape—*Brassica napus*" and insert: "Rape:					
Annual—*Brassica napus* var.	B	20-30	3	7	
Bird—*Brassica campestris*	P	20-30	3	10	Light; fresh seed potassium nitrate.
Turnip—*Brassica rapa* var.	B	20-30	3	7	
Winter—*Brassica napus*	B	20-30	3	7"	

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Name of seed	Substrata	Temperature	First count	Final count	Remarks
Insert after "Sudan grass":					
"Sunflower—*Helianthus annuus* (cultivated).	T, B	20–30	3	7"	
In the heading "Vegetables and Herbs" delete the words "and Herbs."					
Under "Cress" in line beginning with "Water" change to read as follows:					
"Water—*Roripa nasturtium-aquaticum*	P	20–30	4	14	Light."
Delete two lines beginning with "Mustard—India" and insert:					
"Mustard:					
Black—*Brassica nigra*	P	20–30	3	7	Light; fresh seed potassium nitrate and prechill at 10° C for 3 days.
India—*Brassica juncea*	P	20–30	3	7	Light; fresh seed potassium nitrate and prechill at 10° C for 3 days.
Spinach—*Brassica rapa perviridis*	B	20–30	3	7	
White—*Brassica hirta (alba)*	P	20–30	3	5	Light."
Insert after "Onion.":					
"Pak-choi—*Brassica chinensis*	B	20–30	3	7"	
Insert after "Pepper"					
"Po-tsai (Chinese cabbage)—*Brassica pekinensis.*	B	20–30	3	7"	

Change item under column "Final Count" in line beginning with "Lettuce" from "5" to "7".
Change item under "Final Count" in line beginning with "Rutabaga" from "7" to "14".

§ 201.101 Add to the enumerated kinds of seeds the following: "parsley; pumpkin; pea, field; pea, Austrian winter; mustard, white; mustard, black; rape, turnip; rape, annual; rape, bird; Adzuki bean; sunflower; hemp; chickpea; Mung bean; and watermelon;" and delete the word "pea".

§ 201.102 Insert "dandelion—65 percent."

Reword the § 201.103 as follows:

§ 201.103 *Unadapted alfalfa and red clover.* Alfalfa seed and red clover seed of foreign origin other than the Dominion of Canada have been determined to be unadapted for general agricultural use in the United States.

Reword the § 201.104 as follows:

§ 201.104 *Staining of imported seed.* (a) 10 percent of the seed in each container of the seed of alfalfa or red clover grown in any foreign country other than the countries of South America and the Dominion of Canada shall be stained red;

(b) 10 percent of the seed in each container of the seed of alfalfa or red clover grown in any of the countries of South America shall be stained orange-red;

(c) 1 percent of the seed in each container of the seed of alfalfa or red clover grown in the Dominion of Canada shall be stained violet;

(d) 10 percent of the seed in each container of the seed of alfalfa or red clover shall be stained red;

(1) If the origin of alfalfa or red clover is unestablished;

(2) If the origin of alfalfa or red clover is such as to require different colors; and

(3) If the alfalfa or red clover of foreign origin has been commingled with seed of the same kind grown in the United States.

§ 201.107 Add to incidental weeds the following: "black mustard (*Brassica nigra*), bird rape (*Brassica campestris*), and turnip rape (*Brassica rapa* var.)"

After § 201.108 insert the following new section:

§ 201.109 *Mixtures not considered adulterations.* For the purposes of section 303 of the act the importation of mixtures in any combination of seed of suckling clover (*Trifolium dubium*), white clover (*Trifolium repens*), or clus-

ter clover (*Trifolium glomeratum*) shall not be construed to be adulterated.

Done at Washington, D. C., this 6th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5796; Filed, August 7, 1941; 11:22 a. m.]

PART 201—FEDERAL SEED ACT

ORDER UNDER FEDERAL SEED ACT

§ 201.174 *Importations of mixtures of white clover, suckling clover, and cluster clover.* By virtue of authority vested in the Secretary of Agriculture by section 303 of the Federal Seed Act of August 9, 1939 (53 Stat. 1275), finding is hereby made and it is prescribed by this order that the importation of mixtures, in any combination, of seed of white clover (*Trifolium repens*), suckling clover (*Trifolium dubium*), and cluster clover (*Trifolium glomaratum*) for planting is not detrimental to the user of such seeds.

This order shall become effective on and after the expiration of thirty days after date of publication herein.

Done at Washington, D. C., this 6th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5794; Filed, August 7, 1941; 11:22 a. m.]

PART 201—FEDERAL SEED ACT

DETERMINATION UNDER THE FEDERAL SEED ACT

§ 201.176 *Unadapted alfalfa and red clover seed.* By virtue of authority vested in the Secretary of Agriculture by section 305 of the Federal Seed Act of August 9, 1939 (53 Stat. 1275), it is hereby determined that seed of alfalfa and red clover from any foreign country other than the Dominion of Canada is not adapted for general agricultural use in the United States.

On and after the expiration of ninety days after the publication of this determination and until such determination is revoked, 10 percent of the seeds in each container of such alfalfa or red clover seed, or any seed containing 10 percent or more of such alfalfa or red clover seed, admitted into the commerce of the United States shall be stained a red or an orange-red color.

Done at Washington, D. C., this 6th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5795; Filed, August 7, 1941; 11:22 a. m.]

PART 201—FEDERAL SEED ACT

AMENDMENTS TO THE JOINT RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT

By virtue of authority under section 402 of the Federal Seed Act (53 Stat. 1275) and after public hearing, held on May 12, 1941, notice of which was published in the FEDERAL REGISTER of April 10, 1941, we hereby promulgate the following amendments to the joint rules and regulations for the enforcement of the Federal Seed Act. These amendments shall become effective on September 8, 1941.

Reword § 201.216 as follows:

§ 201.216 *Forwarding samples.* Samples from the various ports shall be forwarded to seed laboratories in accordance with instructions of the Agriculture Marketing Service to be furnished to customs officers from time to time.

Reword § 201.218 as follows:

§ 201.218 *Delivery under bond.* After samples of seed or screenings offered for importation into the United States from any foreign country have been drawn, such seed or screenings shall be admitted into the commerce of the United States only after the seed or screenings have been found to meet the requirements of the act and these regulations. *Provided, however,* That if each and every container of such seed or screenings bears a sufficient mark of identification, collectors of customs may release from customs custody for delivery to the owner or consignee shipments which have been sampled, pending examination and decision in the matter, upon the execution on the appropriate form of either a customs single-entry bond or a customs term bond in such amount as is prescribed for such bond in customs regulations in force on date of entry, which bond shall contain a condition for the redelivery of the seed or screenings or any part thereof upon demand of the collector of customs at any time. Prior to being so admitted, the seed or screenings shall be kept intact and not tampered with in any way, or removed from the containers except under supervision as provided by regulation. The bond shall be filed with the collector of customs, who, in case of default, shall take appropriate action to effect the collection of liquidated damages equal to the value of the entire shipment as set forth in the entry plus the estimated duty thereon, if any.

§ 201.222 (a) Delete the word "Pea" and insert the following in their proper alphabetical order: "Mustard, black;" "Mustard, white;" "Parsley;" "Pea, field;" "Pea, Austrian winter;" "Pumpkin;" "Rape, annual;" "Rape, bird;" "Rape, turnip;" and "Watermelon."

§ 201.222 (b) Insert the following in their proper alphabetical order: "Bean, Adzuki;" "Bean, Mung;" "Chickpea;" "Hemp;" and "Sunflower."

Add the following new paragraph:

(c) If any seed enumerated in § 201.222 is declared for seeding purposes and is found upon examination by the Agricultural Marketing Service not to meet the requirements of the Federal Seed Act, the importer shall be permitted to withdraw his declaration made under section 201.222 upon notification from the Agricultural Marketing Service that the seed may be released for feeding or manufacturing purposes. In this event, the importer shall be required to file a new declaration that no part of the importation will be used for seeding purposes.

Done at Washington, D. C., this 1st day of August, 1941.

Witness my hand and the seal of the Department of the Treasury.

[SEAL] (S) HERBERT E. GASTON,
Acting Secretary of the Treasury.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5793; Filed, August 7, 1941; 11:21 a. m.]

CHAPTER VII — AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 728—WHEAT

SUBPART D—1942

Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1942 Crop of Wheat

Sec.

By virtue of the authority vested in the Secretary of Agriculture by Section 375 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, I do make, prescribe, publish, and give public notice of the following regulations governing farm acreage allotments for the 1942 crop of wheat under Title III of said Act, to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

§ 728.311 *Applicable provisions of the Act.* Section 301 (b) (13) (E) of the Act provides as follows:

"Normal yield" for any farm, in the case of * * * wheat * * * shall be the average yield per acre of * * * wheat * * * for the farm, adjusted for abnormal weather conditions and * * * for trends in yields, during the ten calendar years * * * immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather

conditions, the normal yield for the county, and the yield in years for which data are available.

The determination of the normal yield for any county is provided for by section 301 (b) (13) (A) of the Act.

Section 334 (c) of the Act provides as follows:

> The allotment to the county shall be apportioned by the Secretary, through the local committeees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

The amount of the national acreage allotment is provided for by section 333 of the Act, the amount of the State acreage allotment by section 334 (a) of the Act, and the amount of the county acreage allotment by section 334 (b) of the Act.*

*§§ 728.311 to 728.316, inclusive, issued under the authority contained in Sec. 301 (b), 334 (c), 375 (b), 52 Stat. 39, 54, 66, 202, 203, 54 Stat. 392, 727, 728, 1209, 1211; 16 U.S.C., Sup., 1301 (b), 1334 (c), 1375 (b).

§ 728.312 *Method of determining farm normal yields.* (a) Where reliable records of the actual average yields of wheat for the 10 years 1931 to 1940 are available for the farm, the normal yield for the farm shall be the average of such yields, adjusted for trends and abnormal weather conditions.

(b) If for any year of such 10-year period reliable records of the actual average yield of wheat are not available or there was no actual yield on the farm for such year, the normal yield for the farm shall be the yield which, when compared with similar farms in the county (or similar farms in neighboring counties, if there is no similar farm in the county), on the basis of all available facts, including the yields for years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which could reasonably have been expected on the farm for such 10-year period.

(c) The yields determined under paragraph (b) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county normal yield of wheat established by the Secretary of Agriculture.

If determined by the county committee to properly reflect the factors mentioned in paragraph (b), the 1942 normal yield of wheat for any farm for which reliable records for all of the 10 years, 1931 to 1940, are not available may be determined by averaging the actual 1940 farm yield with the normal yield determined for the purposes of the 1941 Agricultural Conservation Program by giving a weight of 1 to the actual 1940 yield and a weight of 9 to the 1941 Agricultural Conservation Program yield.*

§ 728.313 *Method of determining farm acreage allotments*—(a) *Farms upon which wheat was seeded for harvest in at least one of the years 1939, 1940, and 1941*—(1) *Tillable acres and crop rotation practices.* As the basis for apportionment for the first two factors (tillable acres and crop-rotation practices) specified in section 334 (c) of the Act, the county committee shall first determine for each farm a "usual" acreage of wheat. This acreage shall be the average annual acreage of wheat seeded for harvest (plus the acreage determined by the county committee to have been diverted from the production of wheat under the agricultural adjustment and conservation programs) during three or more consecutive years of the period 1935–1941, determined pursuant to instructions issued by the Administrator of the Agricultural Adjustment Administration. However, if, with respect to any farm, the county committee finds that the acreage seeded to wheat in any of the years in such period (i) was abnormally low due to extreme flood or drought, (ii) is not typical of the farm for 1942 due to customary crop-rotation practices, a change in such practices, or a change in the acreage of cropland in the farm, or (iii) was abnormally high due to failure of crops other than wheat, such year shall be eliminated in determining the usual acreage of wheat for such farm. If for any of such years no data are available, such year shall also be eliminated.

For any farm for which all the years in the applicable period are thus eliminated, the usual acreage of wheat shall be determined by the county committee on the basis of tillable acres and crop-rotation practices; this usual acreage shall be based on the usual acreage for similar farms in the county or community, or the indicated usual acreage described in the next following two sentences. This indicated usual acreage shall be determined by multiplying the acreage of cropland on such farm in 1941 by the ratio of wheat acreage to cropland which was determined, or could have been determined, for this purpose under the regulations pertaining to the establishment of 1941 farm wheat acreage allotments. If for any county or community such ratio does not appear representative of the usual ratio of wheat acreage to cropland for farms on which wheat was seeded for harvest in 1939, 1940, or 1941, the ratio for such county or community shall be determined by dividing the average annual acreage seeded to wheat for harvest in 1937, and 1938, including any additional years that may have been included under the provisions of the preceding paragraph, by the 1941 cropland on farms on which wheat was seeded for harvest in 1939, 1940, or 1941.

(2) *Type of soil and topography.* For farms with respect to which the variation in the adaptation of the soil for the production of wheat and the topography of the cropland from the average for the county or the community is not reflected in the usual acreage of wheat for the farm, such usual acreage shall be adjusted by the county committee so as to reflect such variation in the type of soil and topography: *Provided,* That the adjustment in the usual acreage on the basis of the type of soil and topography shall not exceed 25 per cent.

(3) [1] Inasmuch as the usual acreages used in determining 1941 wheat allotments are adjusted averages of seeded plus diverted acreages for a period of years applicable for the determination of usual acreages pursuant to the regulations in paragraph (a) (1) of this section, these usual acreages may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section; *and, likewise,* since in any county the 1941 wheat allotments are merely the 1941 usual acreages multiplied by a constant percentage factor, the 1941 wheat allotments may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section for the purpose of the following paragraphs.

If either the 1941 usual acreages or the 1941 wheat allotments are used in lieu of the usual acreages as described in paragraphs (a) (1) and (2), and, if in order to obtain a proper relationship between farms, it is necessary to extend the period of years used in determining the 1941 usual acreages to include consideration for seeded wheat acreages in the next successive year, this may be done by averaging the 1941 usual acreages or the 1941 wheat allotments, as the case may be, with the seeded wheat acreages (adjusted for participation) for such next successive year. In computing this average, the weight given to the seeded acreage shall not be in excess of 50 percent. The resultant averages may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section.

County and community committees shall review the usual acreages as may be determined in accordance with the two immediately preceding subparagraphs and shall determine whether in any instances they are not representative for 1942 for individual farms. In making the determinations, committees shall consider such factors as crop rotation practices, changes in crop rotation practices, changes in farming operations, and changes in cropland acreages, to the extent that these factors would influence the acreage of wheat which normally would be seeded in 1942. If for any farm

[1] In areas where a definite system of crop rotation is an established practice, the usual acreages or allotments, as the case may be, for the year previous to 1941 which are representative of such crop rotation system may be substituted for the 1941 usual acreages or allotments.

a usual acreage is not representative for 1942 with respect to the foregoing factors, the committees shall determine a usual acreage which is more representative either in accordance with the procedure outlined in paragraphs (a) (1) and (2) of this section, or on the basis of a comparison of the farm with another farm, or group of farms, for which the usual acreages are representative for 1942. For purposes of such comparisons, farms shall be selected which are similar to the farm in question with respect to cropland and the relationship of cropland to farm land, soil type and topography, and the crop rotation practices and general plan of farming operations. The ratio of usual acreage to cropland shall be computed for the similar farm or group of similar farms, and the adjustment made for the farm in question shall be in the direction indicated by this ratio but shall not extend beyond this indication.

(4) *Adjustment to county acreage allotments.* The usual acreages of wheat as determined under paragraphs (a) (1) and (2) or paragraph (a) (3) of this section adjusted prorata to equal the county allotment minus appropriate reserves shall be the 1942 wheat allotments for farms on which wheat was seeded for harvest in at least one of the three years 1939, 1940, and 1941.

(b) *Farms upon which wheat was not seeded for harvest in at least one of the years 1939, 1940, and 1941.* The county committee shall determine wheat acreage allotments for farms upon which wheat was not seeded for harvest in any of the years 1939, 1940, and 1941 but for which wheat acreage allotments are requested for 1942 prior to a date set by the State Committee or Regional Director as affording reasonable opportunity for requesting such allotments. Such allotments shall compare with those determined under paragraph (a) of this section for farms which are similar with respect to tillable acreage, type of soil, and topography: *Provided*, That the wheat acreage allotment for any such farm shall not exceed the wheat acreage allotment requested for the farm, and *Provided further*, That the sum of all such farm acreage allotments in the county shall not exceed 3 per centum of the county acreage allotment.*

§ 728.314 *Opportunity to furnish data.* Each person owning or operating a farm in the county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in establishing farm acreage allotments.*

§ 728.315 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations.*

§ 728.316 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(c) "Administrator" means the Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(d) "State Committee" means the group of persons designated within any State to assist in the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

(e) "County Committee" means a committee utilized for the county under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(g) "Cropland" means farm land which in 1940 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute if such tillage is continued a wind-erosion hazard to the community and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.*

Done at Washington, D. C., this 6th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5791; Filed, August 7, 1941; 11:21 a. m.]

CHAPTER VIII — SUGAR DIVISION, AGRICULTURAL ADJUSTMENT ADMINISTRATION

[General Sugar Quota Regulations, Series 8, No. 1, Rev. 3]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1941

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, the following regulations are hereby prescribed, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture:

§ 821.221 *Consumption requirements for 1941.* It is hereby determined, pursuant to section 201 of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1941 is 7,627,563 short tons of sugar, raw value. (Sec. 201, 50 Stat. 904; 7 U.S.C. 1111)

§ 821.222 *Quotas for domestic areas*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1,768,996
Mainland cane sugar	479,562
Hawaii	1,070,641
Puerto Rico	910,787
Virgin Islands	10,176

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112)

§ 821.225 *Other quotas*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Commonwealth of the Philippine Islands	1,175,428
Cuba	2,181,825
Foreign countries other than Cuba	30,148

(b) *Deficit in quota for Commonwealth of Philippine Islands.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the Commonwealth of the Philippine Islands will be unable by an amount of 230,810,000 pounds of sugar, raw value, to market the quota established for that area in paragraph (a) of this section. (Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.224 *Proration of quota for foreign countries other than Cuba*—(a) *Revised prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the

said act, among such countries, as follows:

Country:	*Prorations in pounds, raw value*
Argentina	17,625
Canada	682,168
China and Hongkong	348,352
Costa Rica	24,903
Dominican Republic	8,062,713
Dutch East Indies	255,580
Guatemala	404,923
Haiti, Republic of	1,114,303
Honduras	4,150,243
Mexico	7,293,011
Nicaragua	12,357,993
Peru	13,437,816
Salvador	9,924,769
United Kingdom	423,984
Venezuela	350,635
Other countries	946,982
Subtotal	59,796,000
Unallotted reserve	500,000
Total	60,296,000

(b) *Additional prorations.* An amount of sugar equal to the deficit determined in § 821.223 (b) is hereby prorated, pursuant to subsection (a) of section 204 of the said act, to foreign countries other than Cuba as follows:

Country:	*Additional prorations in pounds, raw value*
Argentina	67,068
Canada	2,595,902
China and Hongkong	1,325,609
Costa Rica	94,768
Dominican Republic	30,681,602
Dutch East Indies	972,574
Guatemala	1,540,879
Haiti, Republic of	4,240,335
Honduras	15,793,207
Mexico	27,752,598
Nicaragua	47,026,725
Peru	51,135,852
Salvador	37,767,410
United Kingdom	1,613,416
Venezuela	1,334,296
Other countries	3,603,619
Subtotal	227,545,860
Unallotted reserve	3,264,140
Total	230,810,000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.225 *Direct-consumption portion of quotas*—(a) *Domestic areas.* The quotas established in Sec. 821.222 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area.

Area:	*Amount of direct-consumption Sugar in terms of short tons, raw value*
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* The quotas established in Sec. 821.223 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct-consumption sugar in terms of short tons, raw value*
Commonwealth of Philippine Islands	80,214
Cuba	375,000

(Sec. 207, 50 Stat. 907; 7 U.S.C. 1117)

§ 821.226 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1941, quotas for liquid sugar as follows:

Country:	*In terms of wine gallons of 72% total sugar content*
Cuba	7,970,558
Dominican Republic	830,894
Other foreign countries	0

(Sec. 208, 50 Stat. 908; 7 U.S.C. 1118)

§ 821.227 *Restrictions on marketing and shipment.* (a) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(b) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C. 1119; sec. 504, 50 Stat. 915; 7 U.S.C. 1174)

§ 821.228 *Inapplicability of quota regulations.* These regulations shall not apply to (a) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (b) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country other than Cuba, for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of $1\frac{1}{16}$ gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C. 1122)

§ 821.229 *Rescission of prior regulations.* These regulations (Secs. 821.221–821.228) shall supersede General Sugar Quota Regulations, Series 8, No. 1, Rev. 2, issued June 27, 1941, and General Sugar Quota Regulations, Series 8, No. 1, Rev. 2, Supp. 1, issued June 27, 1941.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 6th day of August 1941.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-5792; Filed, August 7, 1941; 11:21 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 1, Designation of Civil Airways]

PART 300—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF AMBER CIVIL AIRWAY NO. 6

JULY 28, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly section 302 thereof, I hereby amend the Designation of Civil Airways which became effective June 1, 1941,[1] as follows:

By amending § 300.2 (b) (6) to read as follows:

§ 300.2 *Civil airway center line.*

* * * * *

(b) *Amber civil airways.* * * *

(6) *Amber civil airway No. 6. (Jacksonville, Fla., to U. S.-Canadian Border).* From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Atlanta, Ga., radio range and the southeast leg of the Chattanooga, Tenn., radio range; Chattanooga, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Chattanooga, Tenn., radio range and the southeast leg of the Nashville, Tenn., radio range; Nashville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the south leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; to the Dayton, Ohio, radio range station. From the Columbus, Ohio, radio range station, via the Cleveland, Ohio, radio range station; Perry, Ohio, radio marker station; Erie, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Erie, Pa., radio range and the southwest leg of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Buffalo, N. Y., radio range and the southeast leg of the Malton, Ontario, radio range; to the intersection of the center line of the on course signal of the southeast leg of the Malton, Ontario, radio range and the U. S.-Canadian Border.

[1] 6 F.R. 2623.

This amendment of the Designation of the Civil Airways shall become effective on and after 12:01 A. M., E. S. T., August 15, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-5775; Filed, August 7, 1941; 9:40 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No 4428]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ROSSE PRODUCTS COMPANY

§ 3.6 (a10) *Advertising falsely or misleadingly — Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., in connection with offer, etc., of respondent's "Rosse Rheuma Tabs", or other substantially similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's said medicinal preparation (1) is a cure or remedy for rheumatism, rheumatic pains, or sensitive joints; (2) has any curative action on the underlying factors which cause rheumatic pains; (3) constitutes a competent or effective treatment for rheumatism, rheumatic pains, or sensitive joints; (4) will relieve the pain attendant upon rheumatism or sensitive joints for a longer period of time than any other preparation of a similar nature; or (5) possesses any therapeutic value in the treatment of rheumatism, rheumatic pains, or sensitive joints, in excess of furnishing temporary relief from the symptoms of pain; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rosse Products Company, Docket 4428, July 25, 1941]

In the Matter of Edward C. Rose, Individually and Trading Under the Style and Firm Name of Rosse Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Edward C. Rose, individually or when trading under the style and firm name of Rosse Products Company or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation, "Rosse Rheuma Tabs," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference that respondent's medicinal preparation, "Rosse Rheuma Tabs":

(a) Is a cure or remedy for rheumatism, rheumatic pains, or sensitive joints;

(b) Has any curative action on the underlying factors which cause rheumatic pains;

(c) Constitutes a competent or effective treatment for rheumatism, rheumatic pains, or sensitive joints;

(d) Will relieve the pain attendant upon rheumatism or sensitive joints for a longer period of time than any other preparation of a similar nature; or

(e) Possesses any therapeutic value in the treatment of rheumatism, rheumatic pains, or sensitive joints, in excess of furnishing temporary relief from the symptoms of pain;

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation, "Rosse Rheuma Tabs," which advertisement contains any of the representations prohibited in Paragraph One (1) hereof.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5789; Filed, August 7, 1941; 11:18 a. m.]

[1] 6 F.R. 2115.

[Docket No. 4351]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ORGANIZATION SERVICE CORPORATION ET AL

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with the offer, etc., in commerce, of pins, paper clips or fasteners used as office supplies, and on the part of (1) respondent Scovill Manufacturing Co. and four other corporate respondents, separately and as members of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of respondent Organization Service Corporation, and each of them and their respective successors, etc., and indirectly or through or by means of aforesaid Organization Service Corporation or any other similar association or organization, its officers, etc., or through or by means of respondents Blake or Jordan (officers thereof), or any other party or parties, etc.; (2) respondent Organization Service Corporation, its successors, etc.; (3) respondent Blake, individually and as president thereof; and (4) respondent Jordan, individually and as vice president thereof, and as secretary of said Institutes; by agreement, combination, or understanding, express or implied, between or among themselves or with others, or by concerted action which results from any such agreement, combination, or understanding, (1) fixing, establishing, maintaining or adhering to the prices to be charged for any or all of such products; (2) changing simultaneously the prices to be charged for any or all of such products; (3) sponsoring, calling or holding any meeting or conference, formal or informal, or participating in any such meeting or conference when the intent, purpose or effect of same is to fix, establish, maintain or adhere to the prices to be charged for any or all of such products, or to engage in discussions to accomplish the same or similar results; (4) reporting, collecting, auditing, compiling, disseminating or exchanging statistical information or data concerning prices charged on consummated sales for any or all of such products, where the purpose or effect of same is to fix, establish, maintain, or adhere to, prices to be charged for any or all of such products; (5) adopting, contributing to, or participating in, the dissemination of any information concerning, or relating to, prices charged or to be charged for any or all of such products when the purpose or effect of such dissemination is to effectuate the fixing, establishment, maintenance, or adherence to, prices to be charged for any or all of such products; and (6) employing, adopting, contributing to, or participating in, any inquiry or inquiries pertaining to prices, conditions, or terms of completed sales where the purpose, intent or effect of same is to cause, or tend to cause, adherence to, or maintenance of, uniform prices to be charged by respondent mem-

bers for any or all of such products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Organization Service Corporation et al., Docket 4351, July 25, 1941]

In the Matter of Organization Service Corporation, a Corporation; Herbert S. Blake and Thomas B. Jordan, Individually and as President and Counsel and as Vice President, Respectively, of Organization Service Corporation; Scovill Manufacturing Company, a Corporation; Noesting Pin Ticket Company, Inc., a Corporation; Vail Manufacturing Company, a Corporation; F. Kelly Company, a Corporation; William Prym, Inc., a Corporation, Separately and as Members of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of the Organization Service Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation entered into by and between the respondents herein and W. T. Kelley, Chief Counsel for the Federal Trade Commission, which provides among other things that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents, Scovill Manufacturing Company, Noesting Pin Ticket Company, Inc., Vail Manufacturing Company, F. Kelly Company and William Prym, Inc., separately and as members of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of respondent Organization Service Corporation, and each of them, and their respective successors and assigns, officers, agents, directors and employees, directly and indirectly, or through or by means of respondent, Organization Service Corporation, or any other association or organization of like purport, its officers, representatives, agents and employees, or through or by means of respondents, Herbert S. Blake or Thomas B. Jordan, or any other party or parties, or through or by any other means or method, and respondent Organization Service Corporation, its successors and assigns, officers, directors, agents and employees, and respondent Herbert S. Blake, both individually and as president of respondent Organization Service Corporation, and respondent Thomas B. Jordan, both individually and as vice president of respondent Organization Service Corporation and as secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of respondent Organization Service Corporation, shall all, and each of them, in connection with the offering for sale, sale or distribution of pins, paper clips or fasteners used as office supplies in commerce between and among the various states of the United States and in the District of Columbia, forthwith cease and desist, by agreement, combination, or understanding, express or implied, between or among themselves or with others, or by concerted action which results from any such agreement, combination, or understanding:

(1) From fixing, establishing, maintaining or adhering to the prices to be charged for any or all of such products;

(2) From changing simultaneously the prices to be charged for any or all of such products;

(3) From sponsoring, calling or holding any meeting or conference, formal or informal, or participating in any such meeting or conference when the intent, purpose or effect of same is to fix, establish, maintain or adhere to the prices to be charged for any or all of such products, or to engage in discussions to accomplish the same or similar results;

(4) From reporting, collecting, auditing, compiling, disseminating or exchanging statistical information or data concerning prices charged on consummated sales for any or all of such products, where the purpose or effect of same is to fix, establish, maintain, or adhere to, prices to be charged for any or all of such products;

(5) From adopting, contributing to, or participating in, the dissemination of any information concerning, or relating to, prices charged or to be charged for any or all of such products when the purpose or effect of such dissemination is to effectuate the fixing, establishment, maintenance, or adherence to, prices to be charged for any or all of such products;

(6) From employing, adopting, contributing to, or participating in, any inquiry or inquiries pertaining to prices, conditions, or terms of completed sales where the purpose, intent, or effect of same is to cause, or tend to cause, adherence to, or maintenance of, uniform prices to be charged by respondent members for any or all of such products.

It is further ordered, That the repondents named in the above caption shall each, within sixty (60) days after service upon them of th is order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-5790; Filed, August 7, 1941; 11:19 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULES RELATING TO THE CLASSIFICATION OF MANAGEMENT INVESTMENT COMPANIES AS EITHER DIVERSIFIED OR NONDIVERSIFIED

Acting pursuant to the Investment Company Act of 1940, particularly sections 2 (a) (39) and 38 (a) thereof, the Securities and Exchange Commission hereby adopts § 270.5B-1 [Rule N-5B-1] and § 270.2A-2 [Rule N-2A-2], to read as follows:

§ 270.5B-1 *Definition of "total assets."* The term "total assets," when used in computing values for the purposes of sections 5 and 12 of the Act (Sec. 5, 54 Stat. 800; Sec. 12, 54 Stat. 808), shall mean the gross assets of the company with respect to which the computation is made, taken as of the end of the fiscal quarter of the company last preceding the date of computation. (Sec. 2, 54 Stat. 790: Sec. 38, 54 Stat. 841) [Rule N-5B-1, effective August 6, 1941]

§ 270.2A-2 *Effect of eliminations upon valuation of portfolio securities.* During any fiscal quarter in which eliminations of securities from the portfolio of an investment company occur, the securities remaining in the portfolio shall, for the purposes of sections 5 and 12 of the Act (Sec. 5, 54 Stat. 800; Sec. 12, 54 Stat. 808), be so valued as to give effect to the eliminations in accordance with one of the following methods: (a) specific certificate, (b) first in—first out, (c) last in—first out, or (d) average value. For these purposes, a single method of elimination shall be used consistently with respect to all portfolio securities. In giving effect to eliminations pursuant to this rule values shall be computed in accordance with section 2 (a) (39) (A) (Sec. 2, 54 Stat. 790) of the Act. (Sec. 2, 54 Stat. 790: Sec. 38, 54 Stat. 841) [Rule N-2A-2, effective August 6, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5768; Filed, August 6, 1941; 12:07 p. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULE CONCERNING AMENDMENTS TO REGISTRATION STATEMENTS AND RULES FILED UNDER THE ACT

Acting pursuant to the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a), the Securities and

Exchange Commission hereby adopts § 270.3 [Rule N–3], to read as follows:

§ 270.3 *Amendments to registration statements and reports.* Registration statements filed with the Commission pursuant to section 8 (Sec. 8, 54 Stat. 803) and reports filed with the Commission pursuant to section 30 (Sec. 30, 54 Stat. 836) may be amended in the following manner:

(a) An original and three copies of each such amendment shall be filed with the Commission at its office in Washington, D. C. With regard to size, paper, ink, margins, binding and similar formal matters, each amendment shall conform to the requirements for the registration statement or report it amends.

(b) Each amendment to a particular statement or report shall have a facing sheet as follows:

SECURITIES AND EXCHANGE COMMISSION
Washington, D. C.
Amendment No. ----------
to
Form ----------
File No. ----------

(Describe the nature of the statement or report)

Dated ----------, 19----,
Pursuant to Section -------- of the Investment Company Act of 1940

Name of Registrant

Address of Principal Office of Registrant

The facing sheet shall contain in addition any other information required on the facing sheet of the form for the statement or report which is being amended. Amendments to a particular statement or report shall be numbered consecutively in the order in which filed with the Commission.

(c) Each amendment shall contain in the manner required in the original statement or report the text of every item to which it relates and shall set out a complete amended answer to each such item. However, amendments to financial statements may contain only the particular statements or schedules in fact amended.

(d) Each amendment shall have a signature sheet containing the form of signature required in the statement or report it amends. (Sec. 8, 54 Stat. 803; Sec. 30, 54 Stat. 836; Sec. 38, 54 Stat. 841) [Rule N–3, effective August 6, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5767; Filed, August 6, 1941; 12:07 p. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULE GRANTING EXEMPTION FOR CHANGE OF STATUS BY TEMPORARILY DIVERSIFIED COMPANY

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (c) and 38 (a) thereof, the Securities and Exchange Commission hereby adopts § 270.13A–1 [Rule N–13A–1], to read as follows:

§ 270.13A–1 *Exemption for change of status by temporarily diversified company.* A change of its subclassification by a registered management company from that of a diversified company to that of a non-diversified company shall be exempt from the provisions of section 13 (a) (1) of the Act (Sec. 13, 54 Stat. 811), if such change occurs under the following circumstances:

(a) Such company was a non-diversified company at the time of its registration pursuant to section 8 (a) (Sec. 8, 54 Stat. 803), or thereafter legally became a non-diversified company.

(b) After its registration and within 3 years prior to such change, such company became a diversified company.

(c) At the time such company became a diversified company, its registration statement filed pursuant to section 8 (b) (Sec. 8, 54 Stat. 803), as supplemented and modified by any amendments and reports theretofore filed, did not state that the registrant proposed to become a diversified company. (Sec. 6 54 Stat. 800: Sec. 38, 54 Stat. 841) [Rule N–13A–1, effective August 6, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5766; Filed, August 6, 1941; 12:06 p. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

AMENDMENT OF FORM N–8B–1

Acting pursuant to the Investment Company Act of 1940, particularly sections 8 (b) and 38 (a) thereof, the Securities and Exchange Commission hereby amends Item 48 of Form N–8B–1 as follows:

(1) By deleting in the heading of the third column of the table under sub-item (c) the words "in such voting securities" and inserting in lieu thereof the words "in all classes of securities of such company."

(2) By adding a new sub-item (f), to read as follows:

"(f) State which of the alternative methods of elimination provided in Rule N–2A–2 the registrant proposes to use."

Effective August 6, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5765; Filed, August 6, 1941; 12:06 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A–2, A–5, and A–6]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING, IN PART, PERMANENT RELIEF IN THE MATTER OF THE PETITION OF HILLS CREEK COAL COMPANY FOR A CHANGE IN THE PRICES CONTAINED IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT 13 FOR SHIPMENT INTO MARKET AREA 153; IN THE MATTER OF THE PETITION OF THE HILLS CREEK COAL COMPANY FOR A CHANGE IN THE PRICES CONTAINED IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT 13 FOR SHIPMENTS INTO MARKET AREA 147; IN THE MATTER OF THE PETITION OF THE HILLS CREEK COAL COMPANY FOR A CHANGE IN THE PRICES CONTAINED IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT 13 FOR SHIPMENTS INTO MARKET AREA 147

Original petitions in these matters were filed on August 17, 1940, by Hills Creek Coal Company, a code member in District 13, Subdistrict No. 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking modifications in the effective minimum prices applicable to 1½" x 0 washed screenings produced by the original petitioner in District 13, Subdistrict 1, when for shipment into Market Area 153 (Docket No. A–2); and Market Area 147 (Dockets Nos. A–5 and A–6).

Pursuant to an Order and Notice of Hearing issued by the Director and after due notice to all interested parties, a public hearing was held in this matter before Charles S. Mitchell, a duly designated Examiner of the Division, on December 5, 1940.

The Examiner submitted Proposed Findings of Fact and Conclusions of Law in these matters, dated June 18, 1941, and an opportunity was afforded to all parties to file exceptions thereto and supporting briefs. No such exceptions or supporting briefs have been filed.

The Director has determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 333.6 (*General prices*) in the Schedule of Effective Minimum Prices for District 13, for All Shipments Except Truck be amended by adding thereto the following footnote:

Market Area No. 153: For shipment to Sewerage and Water Board of New Orleans, Louisiana, only, the prices listed above for

all mines in Size Groups 18 and 23 may be reduced 27½¢ per ton.

It is further ordered, That in all other respects the relief prayed for herein be and the same hereby is denied.

Dated: August 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5784; Filed, August 7, 1941, 10:04 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1306—IRON AND STEEL PRODUCTS

CIVILIAN ALLOCATION PROGRAM FOR STEEL USED IN AUTOMOBILE LICENSE TAGS

Because of the difficulty which some of the states have experienced in securing steel to be used in the making of automobile license tags for the license year 1942, it is necessary that an allocation program be formulated.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,[1] particularly section 2 (a) thereof, the following program is announced:

§ 1306.71 *Allocation of materials.* Adequate supplies of steel for the manufacture of automobile license tags for the license year 1942 shall be allocated to the state or other manufacturer of such tags.*

*§§ 1306.71 to 1306.73, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1306.72 *Restriction in amount.* The allocation provided for by 1306.71 shall be effective only for the procuring of the absolute minimum quantities of steel necessary for the manufacturing of automobile license tags for the license year 1942.*

§ 1306.73 *Enforcement.* The foregoing program is to be administered and enforced by the Office of Production Management.*

Issued this 7 day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-5804; Filed, August 7, 1941; 11:40 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVES OR INFLAMMABLE MATERIAL OR OTHER DANGEROUS CARGO

REGULATIONS AMENDED

JULY 31, 1941.

Pursuant to the authority contained in section 1, title II, of the Act of June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and the Proclamation of the President issued June 27, 1940 (5 F.R. 2419), the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosives or Inflammable Material or other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401, D.I.), are hereby amended as follows:

Section 7.10 (c), is amended by adding the following subparagraphs:

§ 7.10 *Anchorage regulations for certain ports of the United States.*

* * * * *

(c) * * *

(12) *Narragansett Bay (including Newport Harbor) and Bristol Harbor, Rhode Island.* Anchorage B, Coddington Cove, in Narragansett Bay, as defined in the regulations for Narragansett Bay (including Newport Harbor) and Bristol Harbor, Rhode Island (Code of Federal Regulations, title 33, § 202.15 (a) (2)), reaffirmed and continued in force by these regulations, is hereby modified and defined as follows:

Anchorage B, Coddington Cove. To the eastward of a line beginning 310 yards west of Bishop Rock, thence bearing 16°25′ to latitude 41°33′30″ north, thence to the northern point of Dyer Island.

NOTE: 1. In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

2. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

Warning. Vessels are cautioned against frequenting the area, or anchoring close to Coddington Point in area B during the seasons favorable for small-arms practice when the target range on Coddington Point may be in use. During the time when the small-arms range is in use a red flag is displayed from the top of the target butts on Coddington Point so as to be plainly visible in the vicinity of Coddington Point and in Coddington Cove.

(13) *The Port of New York.* The portion of Anchorage 20-A in Upper New York Bay, as defined in the regulations for the Port of New York (Code of Federal Regulations, title 33, sec. 202.25 (a)), reaffirmed and continued in force by these regulations, located eastward of a line bearing 204½ degrees true from the east end of the east landing pier on Bedloes Island and south of Bedloes Island, is designated an explosive anchorage. The captain of the port may authorize the use of this explosive anchorage by vessels loading or discharging explosives when he finds that the interests of commerce and national defense will be promoted thereby and that the interests of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the captain of the port.

(14) *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough and San Joaquin River, California.* Anchorage (general) No. 7 in San Francisco Bay, as defined in the regulations for San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough and San Joaquin River, California (Code of Federal Regulations, title 33, sec. 202.90 (a) (7)), reaffirmed and continued in force by these regulations, is hereby modified and defined as follows:

Anchorage (general) No. 7. The area west of Treasure Island within the following lines: North of a line bearing 237° from the northwest corner of Yerba Buena Island; east of a line bearing 329½° from the center anchorage pier of the San Francisco-Oakland Bay Bridge and passing through Point Blunt Light, Angel Island; east of a line bearing 2½° from the tower of the Ferry Building at San Francisco to the west end of the transit shed at Parr-Richmond Terminal No. 1, Point Richmond; west of a line bearing 330½° from Pile D of the Transbay Bridge to the easterly tangent of Quarry Point, Angel Island.

(15) The following regulations are hereby prescribed to govern the use, administration, and navigation of the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay in the vicinity of the United States Navy Yard, Mare Island, California; and of San Francisco Bay and Oakland Harbor in the vicinity of the United States Naval Air Station, Alameda, California, and the Naval Supply Depot, Oakland, California:

(i) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Navy Yard, Mare Island, California, shall navigate, anchor, or moor in the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay, California, within one hundred yards of the shore line of that part of the Navy Yard, Mare Island, south of the causeway between the City of Vallejo and Mare Island, and extending continuously therefrom southeasterly, southwesterly, and northwesterly around said Navy Yard to its northwesterly limit on the waters of San Pablo Bay, and the waters within fifty yards of any part of the berthing piers at said Navy Yard.

(ii) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Naval Air Station, Alameda, California, shall navigate, anchor, or moor in the waters of San Francisco Bay within one hundred yards of said Naval Air Station.

(iii) No vessel, without special authority from the Captain of the Port, shall lie, anchor, or moor in the waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of said channel and the easterly boundary of the Alameda Naval Air Station. Vessels may proceed through said channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of said channel.

[1] 6 F.R. 1917.

(iv) No vessel other than a vessel of the United States Government or a vessel duly authorized thereto by proper Federal authority shall traverse the waters of San Francisco Bay within 100 yards of the Naval Supply Depot, Oakland, nor lie, anchor, or moor within said waters, except that this order shall not apply to the use by the Southern Pacific Company and the Western Pacific Railroad Company of their piers, slips and wharves adjacent to the Naval Supply Depot.

(16) The following regulation, approved by the Secretary of War June 17, 1941, amending the regulations governing the use and navigation of the waters of Accotink Bay and River, within and adjacent to the target ranges of the United States Military Reservation, Fort Belvoir, Virginia (Code of Federal Regulations, title 33, § 204.40), is hereby affirmed and adopted:

§ 204.40 *Accotink Bay, Virginia; United States Military Reservation, Fort Belvoir, Virginia—Amendment.* (a) The target ranges, which constitute a danger area, involve: All of Accotink Bay, the mouth of which the Post Commander shall have marked by a line of suitable buoys warning of the danger area; all of Accotink Creek south of a bridge which crosses Accotink Creek approximately 400 yards due south of U. S. Highway No. 1; and that portion of the waters of Pohick Bay bordering its north shore, which the Post Commander shall have marked off by suitable buoys warning of the danger area.

(b) When firing affecting the above area is in progress, it shall be the responsibility of the Post Commander to post guards at such locations that the waters in the danger area may be observed and to arrange signals whereby these guards may stop the firing should any person be seen in the waters of the danger area. When firing is in progress, the Post Commander shall cause to be displayed, both on the east shore of Accotink Bay at its mouth and near the danger area boundary on Accotink Creek, a red streamer which shall be visible to a person in a boat near those points.

(c) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all boats at the boundary of the danger area and prohibit their crossing that area until convenient to the firing schedule to do so.

(d) Persons desiring to cross the waters in the danger area shall first determine whether a red streamer is displayed on the east shore of Accotink Bay at its mouth or near the danger area boundary on Accotink Creek. If the red streamer is displayed, it will indicate that firing is in progress and that the waters in the danger area are covered by rifle fire and that the area shall not be entered until the streamer is lowered.

(e) These regulations supersede those prescribed on June 29, 1935, governing the use and navigation of these waters.

Section 7.32 is inserted as follows:

§ 7.32 *Patuxent River; Restricted Area adjacent to Naval Experimental Station near Solomons Island, Maryland.* (a) The southerly limit of the area will be marked by a first class nun buoy at the southwest corner located 99°, 840 yards from Point Patience Light, the southeast corner by a first class can buoy 101°, 1,260 yards from said light, the west and east limits running to the shore from these buoys and approximately at right angles to a line connecting said buoys.

(b) (1) No vessel shall enter or remain in the above area except those engaged in naval activities.

(2) The regulations in this section shall be enforced by the captain of the port and duly authorized representatives of the Navy Department.

Section 7.78 is inserted as follows:

§ 7.78 *Vermilion Harbor, Ohio: Use, administration and navigation.* (a) No vessel shall exceed a speed of six miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(c) No vessel or other craft shall moor or anchor to any structure of the United States without the consent of the District Engineer.

(d) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, said District Engineer.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT
The White House

AUG. 1, 1941.

[F. R. Doc. 41-5787; Filed, August 7, 1941; 10:11 a. m.]

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 8—CARRYING AND KEEPING OF ARMS; HUNTING; FISHING

SUSPENSION OF ARMS AND HUNTING REGULATIONS

By virtue of and pursuant to authority vested in me by Canal Zone Code, Title 5, secs. 873, 874, and 875, the following regulation is hereby promulgated:

§ 8.12 *Hunting for duration of emergency prohibited, etc.* (a) Notwithstanding any of the provisions of the regulations relating to the carrying and keeping of arms, and hunting (§§ 8.1–8.11),[1] promulgated by the Governor on October 1, 1938, it shall be unlawful to engage in hunting in the Canal Zone for the duration of the emergency proclaimed by the President on September 8, 1939,[2] and on May 27, 1941.[3] All hunting licenses heretofore issued authorizing hunting in the Canal Zone are hereby revoked.

Persons to whom current hunting licenses have already been issued may secure the return of the fee paid by them by returning such licenses to the Police & Fire Division, Balboa Heights, or to any Canal Zone Police Station. Upon receipt of the current licenses so returned at Balboa Heights, the fee paid for such licenses will be refunded.

Upon application to the Police & Fire Division at Balboa Heights or to any Canal Zone Police Station, a permit to carry fire arms through the Canal Zone for the purpose of hunting in other jurisdictions will be granted without charge to those who would under ordinary circumstances be permitted to hunt in the Canal Zone.

(b) This regulation shall become effective on August 1, 1941.

GLEN E. EDGERTON,
Governor.

JULY 25, 1941.

[F. R. Doc. 41-5774; Filed, August 6, 1941; 2:20 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission on August 5, 1941, effective immediately, made the following changes in its rules applicable to standard and high frequency broadcast stations:

Amended the following sections to read:

§ 3.30 *Station location.* (a) Each standard broadcast station shall be considered located in the State and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located, in accordance with the Standards of Good Engineering Practice, prescribed by the Commission. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 3.31 *Authority to move main studio.* The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, State, district, Territory, or possession in which it is located without first

[1] 4 F.R. 1087.
[2] 4 F.R. 3851.
[3] 6 F.R. 2617.

making written application[6] to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-5803; Filed, August 7, 1941; 11:31 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[First Amendment to Department Circular No. 667]

TREASURY NOTES, SERIES A-1943, SERIES B-1943, DATED AUGUST 1, 1941, DUE AUGUST 1, 1943, ISSUED AT PAR AND ACCRUED INTEREST, ACCEPTABLE AT PAR AND ACCRUED INTEREST IN PAYMENT OF FEDERAL INCOME TAXES

AMENDMENT

AUGUST 7, 1941.

1. Section II (2) of Department Circular No. 667,[1] dated July 22, 1941, is hereby amended to read as follows:

2. *Denominations and interest.* The notes of Tax Series A-1943 will be issued in denominations of $25, $50, and $100, and interest thereon will accrue during each month after August 1941, in the amount of 16 cents on each $100 principal amount, that is, 4 cents on each $25, 8 cents on each $50, and 16 cents on each $100 denomination of note. The notes of Tax Series B-1943 will be issued in denominations of $100, $500, $1,000, $10,000, $100,000, $500,000, and $1,000,000, and interest thereon will accrue each month after August 1941, in the amount of 4 cents on each $100 principal amount, that is, 4 cents on each $100, 20 cents on each $500, 40 cents on each $1,000, $4 on each $10,000, $40 on each $100,000, $200 on each $500,000, and $400 on each $1,000,000 denomination of note. In no case, however, shall interest accrue beyond the month in which the note is presented in payment of taxes, or beyond its maturity. Exchanges of authorized denominations of each series from higher to lower, but not from lower to higher, may be arranged at the Federal Reserve Bank of issue.

[SEAL] HENRY MORGENTHAU, Jr., *Secretary of the Treasury.*

[F. R. Doc. 41-5997; Filed, August 7, 1941; 11:23 a. m.]

[1] 6 F.R. 3831.

[6] Formal application required. See Standards of Good Engineering Practice for form number.

WAR DEPARTMENT.

[Contract No. W-478-ORD-1336]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE HIGH STANDARD MANUFACTURING COMPANY, INC., NEW HAVEN, CONNECTICUT

Contract[1] for: * * * Guns, Browning Machine, Cal. * * * and Essential Extra Parts.

Amount: $4,870,817.52.

Place: Hartford Ordnance District, 95 State Street, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same. ORD 9912 P 11-30 A-1005-.105-01.

This contract, entered into this 10th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * guns, Browning Machine, Cal. * * * and Essential Extra Parts for the consideration stated of four million, eight hundred seventy thousand, eight hundred seventeen dollars and fifty-two cents ($4,780,817.52) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * *% and at the price specified in Article 1, such option to be exercised within * * * days from date of this contract.

[1] Approved by the Under Secretary of War, June 28, 1941.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Advance payments. At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed $1,398,320.82.

As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Secretary of War shall prescribe.

FRANK W. BULLOCK, *Major, Signal Corps, Assistant to the Director of Purchases and Contracts.*

[F. R. Doc. 41-5777; Filed, August 7, 1941; 9:40 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1654-FD]

IN THE MATTER OF F. E. JACKSON (F. E. JACKSON SAND & COAL CO.), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4728, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not F. E. Jackson (F. E. Jackson Sand & Coal Co.), Registered Distributor, Registration No. 4728, whose address is 411 S. W. 9th Street, Des Mones, Iowa, the respondent in the above entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed October 5, 1940, by respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent, during the period from November 1, 1940 to April 15, 1941, purchased from W. T. Nelson (Nelson Coal Co.), a code member, approximately 4006.77 net tons of bituminous coal of various sizes, produced at Mine No. 72 of said code member, located in Marion County, Iowa, District No. 12, and re-

spondent accepted and retained discounts on said transactions although the coal was purchased by respondent in less than carload lot quantities, physically handled by respondent, and resold by respondent at retail in less than carload lot quantities, through his retail yards to various customers, all in violation of section 4 II (h) of the Act, § 304.19 (a) of the Rules and Regulations for Registration of Distributors, and paragraph (d) of the Agreement.

3. Respondent, since October 1, 1940, purchased from Liter Coal Co., code member, substantial quantities of bituminous coal, produced at Mine No. 27 of said code member, located in Marion County, Iowa, District No. 12, and respondent accepted and retained discounts on said transactions, although the coal was physically handled by respondent, and resold by respondent at retail in less than carload lot quantities, through his retail yard to various customers, all in violation of section 4 II (h) of the Act, § 304.19 (a) of the Rules and Regulations for Registration of Distributors, and paragraph (d) of the Agreement.

4. Respondent accepted and retained discounts in the transactions referred to in paragraphs 2 and 3 hereof, which were in excess of the maximum allowable discounts of 12 cents per net ton from the effective minimum price established by Order of the Director, dated June 19, 1940, in General Docket No. 12, in violation of section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held on September 11, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Grand Jury Room, U. S. Court House, Des Moines, Iowa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: August 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5778; Filed, August 7, 1941; 10:02 a. m.]

[Docket No. 3-FD]

IN THE MATTER OF THE APPLICATION OF APPALACHIAN COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER CONTINUING HEARING

Applicant, Appalachian Coals, Incorporated, a marketing agency previously granted provisional approval, pursuant to section 12 of the Bituminous Coal Act of 1937, having been required by an order dated July 12, 1941, to show cause why its provisional approval should not be modified in certain specified respects; and

The matter having been assigned for hearing on August 7, 1941; and

Applicant having moved on August 2, 1941, that the hearing be continued for a period of thirty (30) days; and

It appearing appropriate that the hearing should be continued to a later date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be continued from August 7, 1941, until 10:00 a. m., August 19, 1941, at the place and before the officers previously designated.

Dated: August 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5779; Filed, August 7, 1941; 10:02 a. m.]

[Docket No. 1639-FD]

IN THE MATTER OF F. B. FRY, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above entitled matter having been heretofore scheduled for 10 a. m. on August 11, 1941, at the Federal Building and Post Office, Catlettsburg, Kentucky; and a Cease and Desist order having been entered in the above entitled matter dated July 28, 1941;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and the same is hereby cancelled.

Dated: August 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5780; Filed, August 7, 1941; 10:02 a. m.]

[Docket No. A-982]

PETITION OF DISTRICT BOARD 22 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 22, FOR TRUCK SHIPMENT

[Docket No. A-982 Part II]

PETITION OF DISTRICT BOARD 22 FOR THE REVISION OF MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 22, FOR TRUCK SHIPMENT

[Docket No. A-924 Part II]

PETITION OF DISTRICT BOARD 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS FOR TRUCK SHIPMENTS, PRODUCED AT MINE INDEX NO. 299, AND FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN OTHER MINES IN DISTRICT NO. 22, FOR ALL SHIPMENTS

MEMORANDUM OPINION AND ORDER CONSOLIDATING DOCKET NO. A-982 PART II WITH DOCKET NO. A-924 PART II, AND NOTICE OF AND ORDER FOR HEARING

An original petition pursuant to the Bituminous Coal Act of 1937 was duly filed with this Division by the above party proposing the establishment of minimum prices for the coals of certain mines in District No. 22 and the revision of the effective minimum prices for the coals of the Pavek Mine (Mine Index No. 219) of Edward W. Pavek, the Black Diamond Mine (Mine Index No. 248) of Miller Thatcher, the Silver Tip Mine (Mine Index No. 106) of W. C. Anderson, and the Painted Robe Mine (Mine Index No. 203) of Frank Mizuta, for certain reasons set forth in the petition. The petition does not, however, allege sufficient facts for the granting of temporary relief pending a hearing. Accordingly, it appears appropriate that the issues relating to the revision of the effective minimum prices should be severed from the remainder of the docket and separately designated.

Now, therefore, it is ordered, That the portion of Docket No. A-982 relating to

the revision of the minimum prices for the coals produced at Mine Index Nos. 219, 248, 106 and 203 be severed from the remainder of that docket and be designated hereafter as Docket No. A–982 Part II; and

It is further ordered, That the above entitled matter be, and the same hereby is, consolidated for hearing with Docket No. A–924 Part II, which raises analogous issues, the hearing to be held under the applicable provisions of the Act and the rules of the Division on August 18, 1941, at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons and entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 13, 1941.

The matter concerned herewith is in regard to

(1) The petition, in Docket No. A–924 Part II, for the establishment of price classifications and minimum prices for the coals produced at Mine Index No. 299, for truck shipments, and for the revision of the effective price classifications and minimum prices for certain coals produced at certain mines in District No. 22, as hereinafter set forth:

In Subdistrict 3:

Mine Index No. 132 operated by Burl F. Conner and Helmer Hovik, Mine Index No. 139 operated by R. H. Draper, and Mine Index No. 183 operated by Ambrose W. Kubica—In Size Groups Nos. 1, 2, and 5, from $2.50 to $2.25 per net ton; and

In Subdistrict 12:

Mine Index No. 134 operated by Marc Culleton, Mine Index No. 178 operated by Kingston Bros., Mine Index No. 205 operated by Fred K. Johnson, Mine Index No. 246 operated by Daniel Slezak, and Mine Index No. 282 operated by David A. Stokes—In Size Group No. 2, from $6 to $5 per net ton.

(2) The petition, in Docket No. A–982 Part II, requesting revision of the effective minimum prices, for truck shipment, as follows:

(a) For the coals of the Pavek Mine (Mine Index No. 219) of Edward W. Pavek from $2.50 per ton to $2.25 per ton for Size Groups 1, 2 and 5.

(b) For the coals of the Black Diamond Mine (Mine Index No. 248) of Miller Thatcher from $3.25 per ton to $2.75 per ton for Size Group 2 and from $3 per ton to $2.75 per ton for Size Group 5.

(c) For the coals of the Silver Tip Mine (Mine Index No. 106) of W. C. Anderson and the Painted Robe Mine (Mine Index No. 203) of Frank Mizuta from $3.75 per ton to $3.50 per ton in Size Groups 2 and 5.

Dated: August 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–5781; Filed, August 7, 1941; 10:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 121]

ACCEPTANCE OF RESIGNATIONS FROM AND APPOINTMENTS TO INDUSTRY COMMITTEE NO. 35 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignations of Mr. H. Edgar Jenkins and Mr. John E. Lucey from Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries and do appoint in their stead, as representatives for the employers on such Committee, Mr. B. A. Gray, of St. Louis, Missouri, and Mr. George A. Dempsey, of Dover, New Hampshire.

Signed at Washington, D. C., this 6th day of August, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–5806; Filed, August 7, 1941; 11:43 a. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 27 FOR THE WOMEN'S APPAREL INDUSTRY, AND ON THE HOME WORK PROBLEM IN SUCH INDUSTRY

Whereas a hearing has been held on July 28 and 29, 1941, before Henry T. Hunt, Principal Hearings Examiner of the Wage and Hour Division, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 27 for the establishment of a minimum wage in the Women's Apparel Industry were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas at said hearing, in accordance with notice, full opportunity was also given to all persons to offer evidence on what, if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein, in the event an order is issued approving the minimum wage recommendation of the Committee; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before August 19, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 6th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–5807; Filed, August 7, 1941; 11:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 84]

RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

Whereas The Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

§ 3.35 *Multiple ownership.* (a) No person (including all persons under common control[9a]) shall, directly or indirectly, own, operate or control a standard broadcast station that would serve a substantial portion of the area served by another standard broadcast station owned, operated or controlled by such person.

[9a] The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. See Rule 3.108 for the definition of "control" in regulations pertaining to chain broadcasting.

(b) This rule is to take effect immediately. *Provided, however,* That with respect to persons (including all persons under common control [9a]) who now directly or indirectly own, operate or control a standard broadcast station serving a substantial portion of the area served by another standard broadcast station owned, operated, or controlled by such persons, the effective date of this rule shall be six months from date: *Provided, further,* That with respect to such persons the Commission may extend the effective date of this rule from time to time in order to permit the orderly disposition of properties.

Whereas The Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

Now, therefore, it is hereby ordered, That oral argument be held before the Commission en banc on October 6, 1941, at 10:00 a. m., at which time all interested persons will be given an opportunity to appear and present argument as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this Order, and that briefs may be filed at any time up to two weeks prior to such argument.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-5802; Filed, August 7, 1941; 11:31 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-212]

IN THE MATTER OF CITIES SERVICE GAS COMPANY

ORDER POSTPONING HEARING

AUGUST 5, 1941.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in this proceeding;

The Commission, on its own motion, *orders* that:

The hearing in this proceeding, heretofore set to commence on August 8, 1941, be and it is hereby postponed until further order of the Commission.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 41-5776; Filed, August 7, 1941; 9:40 a. m.]

[Docket No. G-211]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER CONTINUING DATE OF HEARING

AUGUST 6, 1941.

It appearing to the Commission that:

(a) By order of July 25, 1941, the Commission directed that a public hearing in this matter be held commencing on August 12, 1941, at 9:45 a. m. (C. S. T.), in the Civil Service Examination Room, Post Office Building, in the City of Hattiesburg, Mississippi;

(b) On August 6, 1941, the United Gas Pipe Line Company filed a request for a continuance of the date fixed for said hearing;

(c) Good cause has been shown for granting such continuance;

The Commission orders that:

The public hearing in this matter heretofore ordered to commence on August 12, 1941, be and it is hereby continued to September 15, 1941, at the same hour and place heretofore designated.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 41-5808; Filed, August 7, 1941; 11:45 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-7-D]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR SWEETENED CONDENSED MILK

AMENDMENT OF ORDER

Whereas the Secretary of Agriculture, by an order in the above-entitled proceeding, dated June 28, 1940, and published in the FEDERAL REGISTER of July 2, 1940,[1] promulgated a regulation fixing and establishing a definition and standard of identity for sweetened condensed milk; and

Whereas A. E. Staley Manufacturing Company, a corporation, filed its petition with the Circuit Court of Appeals of the United States for the Seventh Circuit for a judicial review of said order, praying that the respondents, Secretary of Agriculture and Federal Security Administrator, be ordered, among other things, to amend said order by including therein a finding that corn sirup is a suitable saccharine ingredient of sweetened condensed milk and to amend said regulation so as to include corn sirup as such an ingredient, or, in the alternative, that the order be set aside, vacated, and annulled; and

Whereas said court, by its orders dated May 22, 1941 and June 12, 1941, has remanded said order of the Secretary of Agriculture for further proceedings and has directed that said order be revised so as to set forth the basis for the exclusion of corn sirup as a saccharine ingredient in said regulation; and

Whereas the authority to amend said order is now vested in the respondent, Federal Security Administrator, by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046; 21 U.S.C., Sup. V, 341; sec. 701, 52 Stat. 1055; 21 U.S.C. Sup. V, 371), the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.), and Reorganization Plan No. IV (5 F.R. 2421); and

Whereas the evidence of record at said hearing shows that (1) corn sirup is not used as a saccharine ingredient of sweetened condensed milk by any manufacturer of sweetened condensed milk who presented evidence at the hearing, or on whose behalf evidence was presented, and (2) while corn sirup has been used in sweetened condensed milk in experimental studies, the essential details of such experimental work and its results do not appear of record, and the evidence provides no basis for determining the possible results of the use of corn sirup in discoloring, thickening, or otherwise adversely affecting sweetened condensed milk in its commercial production, storage, or distribution;

Now, therefore, in compliance with the direction of said court and on the basis of the evidence of record at said hearing, said order of the Secretary of Agriculture is hereby amended:

(1) By adding the following finding of fact, numbered 11, to the findings therein contained:

Finding 11

The evidence of record at the hearing does not establish (a) that corn sirup has ever been used in commercial production of sweetened condensed milk, or (b) that corn sirup is suitable for use as a saccharine ingredient in sweetened condensed milk.

(2) By revising that portion of said order under the heading "Conclusion," which immediately precedes the regulation fixing and establishing a definition and standard of identity for sweetened condensed milk (sec. 18.530), to read as follows:

Conclusion

On the basis of the foregoing findings of fact, it is concluded that the following regulation fixing and establishing a definition and standard of identity for sweetened condensed milk will promote honesty and fair dealing in the interest

[1] 5 F.R. 2445.

of consumers, and such regulation is therefore hereby promulgated.

Dated Washington, D. C., August 5, 1941.

WATSON B. MILLER,
Assistant Administrator.

[F. R. Doc. 41-5773; Filed, August 6, 1941; 12:31 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4380]

IN THE MATTER OF HARRY BERMAN, INC., A CORPORATION, AND MORRIS GOLDRING, AN INDIVIDUAL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, August 13, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 332, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5788; Filed, August 7, 1941; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 30-190 to 30-193]

IN THE MATTERS OF WISCONSIN SECURITIES COMPANY OF DELAWARE, MARION FINANCE COMPANY, TERRACE FINANCE CORPORATION, AND COLUMBIA CONSTRUCTION COMPANY

ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 5th day of August A. D. 1941.

Wisconsin Securities Company of Delaware, Marion Finance Company, Terrace Finance Corporation, and Columbia Construction Company, registered holding companies, having filed applications pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting orders declaring that applicants have ceased to be holding companies:

It is ordered, That said applicants have ceased to be holding companies and that the registration of said companies cease to be holding companies and

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5772; Filed, August 6, 1941; 12:09 p. m.]

[File Nos. 59-11, 59-17, 54-25]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY ET AL., RESPONDENTS AND APPLICANT

ORDER DIRECTING CERTAIN ACTION UNDER SECTION 11 (B) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of August 1941.

The Commission having previously instituted these proceedings pursuant to sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935; the various proceedings having been thereafter consolidated for purposes of hearing and disposition to the extent deemed appropriate by the Commission;

The Commission having, pursuant to request of the respondents, issued a Statement of Tentative Conclusions setting forth action which it believed should be taken by the respondents to comply with the provisions of section 11 (b) (1), and said Statement of Tentative Conclusions having directed the reconvening of the aforesaid hearing, and having directed the respondents to show cause why said action should not be taken as more particularly therein set forth; and

Notice having been duly given to all interested persons and all such persons having been given an opportunity to be heard with respect to what action should be required to be taken by said respondents to comply with certain of the requirements of said section 11 (b) (1), particularly Clause (B) of said Section; and

The Commission having filed its Findings and Opinion herein, in which the Commission finds, among other things, that the action hereinafter directed to be taken is necessary and appropriate for the purpose of bringing about compliance with section 11 (b) (1):

It is hereby ordered, Pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that:

1. Continental Gas & Electric Corporation shall dispose of its interests in Columbus and Southern Ohio Electric Company, Point Pleasant Water and Light Company, The Hillsboro Ice and Coal Company, and Panhandle Power & Light Company, and in the properties and assets owned or operated thereby;

2. American Light & Traction Company shall dispose of its interests in San Antonio Public Service Company, American Coal Company, South Texas Ice Company, The Detroit Edison Company, and International Paper and Power Company, and in the properties and assets owned or operated thereby;

3. The United Light and Railways Company shall dispose of its interests in Northern Natural Gas Company and International Paper and Power Company, and in the properties and assets owned or operated thereby;

4. The United Light and Railways Company and The United Light and Power Company shall eliminate from their respective holding company systems their interests (whether direct or indirect) in the following companies and in the properties and assets owned or operated thereby;

Columbus and Southern Ohio Electric Company.
Point Pleasant Water and Light Company.
Panhandle Power & Light Company.
Michigan Consolidated Gas Company.
Madison Gas and Electric Company.
Milwaukee Gas Light Company.
The Milwaukee Coke and Gas Company.
San Antonio Public Service Company.
American Michigan Pipe Line Company.
Milwaukee Solvay Coke Company.
Consolidated Building Corporation.
The Hillsboro Ice and Coal Company.
American Coal Company.
South Texas Ice Company.
Amercan Production Company.
The Detroit Edison Company.
International Paper and Power Company.

5. The United Light and Power Company shall dispose of its interest in LaPorte Gas and Electric Company and in the properties and assets owned or operated thereby.

It is further ordered, That the respondents shall proceed with due diligence to comply with the foregoing order, and shall make application to the Commission for the entry of any further orders necessary or appropriate for that purpose; the respondents shall submit to the Commission for its approval in these proceedings appropriate applications or declarations for the purpose of complying with the various provisions of this order in accordance with the applicable standards of the Act; and jurisdiction is hereby expressly reserved to enter such orders in these proceedings as may be necessary or appropriate for the purpose of carrying out the provisions of this order.

It is further ordered, That jurisdiction be and is hereby reserved to enter such further orders as may be necessary or appropriate with respect to any of the remaining issues in these proceedings and particularly for the purpose of determining what action should be ordered to be taken by the respondents pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act, and for that purpose jurisdiction is reserved to reconvene the hearings herein upon such notice as the Commission shall deem appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5771; Filed, August 6, 1941; 12:09 p. m.]

[File No. 812-180]

IN THE MATTER OF THE BYRNDUN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of August, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940, for an order of temporary exemption to permit the transmittal of reports to stockholders at a date later than that prescribed by Rule N-30D-1:

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on August 13, 1941, at 10:00 in the forenoon of that day, at the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5770; Filed, August 6, 1941; 12:08 p. m.]

[File No. 70-366]

IN THE MATTER OF ELECTRIC POWER & LIGHT CORPORATION AND DALLAS RAILWAY & TERMINAL COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of August, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 20, 1941 at 4:45 P. M. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

I. Electric Power & Light Corporation (hereinafter referred to as "Electric"), a subsidiary company of Electric Bond and Share Company, both registered holding companies, proposes to: (1) transfer and deliver to Dallas Railway & Terminal Company (hereinafter referred to as "Dallas Railway") all of the outstanding Capital Stock of Electric's wholly owned subsidiary, Northern Texas Company, to wit, 2,000 shares of Common Stock in the stated value of $5 per share; (2) transfer and deliver to Dallas Railway all other outstanding securities of Northern Texas Company, to wit, a 6% Promissory Note dated November 25, 1935 and due November 25, 1940, in the principal amount of $1,540,000, as of the close of business July 31, 1941; and (3) surrender for cancellation to Dallas Railway all of that Company's 7% Preferred Stock now owned by Electric.

II. Electric now owns 11,000 shares of Dallas Railway 7% Preferred Stock (74.11% of the total outstanding) and 30,689 shares of the Common Stock, being 94.4% of the total outstanding. Dallas Railway will issue to Electric additional shares of its Common Stock equal in par value to the principal amount or par or stated value of the Northern Texas Company Common Stock and Promissory Note and 11,000 shares of Dallas Railway 7% Preferred Stock, which will be surrendered by Electric. As of the close of business July 31, 1941, there were accumulated unpaid dividends on the 7% Preferred Stock of Dallas Railway amounting to $54.25 per share. Dallas Railway will issue additional shares of its Common Stock to Electric equal in par value to such accumulated unpaid dividends to the extent of $50 per share and pay Electric $4.25 cash for each share of the 11,000 shares of such 7% Preferred Stock now owned by Electric.

III. In addition to the 11,000 shares of 7% Preferred Stock held by Electric, there are 3,843 shares of 7% Preferred Stock of Dallas Railway outstanding in the hands of the public. The proposed transaction between Electric and Dallas Railway is not to become effective unless and until the holders of not less than 80% of said 3,843 shares of 7% Preferred Stock agree to accept shares of Dallas Railway Common Stock equal in par value to the amount of accumulated unpaid dividends on such Preferred Stock to the extent of $50 per share and cash in the amount of $4.25 per share of such 7% Preferred Stock. It is contemplated that the 3,843 shares of 7% Preferred Stock of Dallas Railway in the hands of the public, will be the only Preferred Stock of Dallas Railway to remain outstanding. The plan involves the surrender of the certificates of such 7% Preferred Stock for the stamping thereon of an indorsement to the effect that all dividends on such stock have been paid to the close of business on July 31, 1941.

IV. In connection with the foregoing transaction Dallas Railway proposes to decrease the par value of its Common Stock from $100 per share to $50 per share and to issue two shares of Common Stock for each share of Common presently outstanding. This will require issuance of 65,000 shares of $50 par value Common Stock in exchange for the 32,500 shares of $100 par value Common Stock presently outstanding. Assuming that all of Dallas Railway's Preferred stockholders accept the exchange plan, the total number of shares of Common Stock of the par value of $50 per share to be issued is 132,843 shares.

V. All of the physical property of Northern Texas Company, consisting of street railway lines, a viaduct across the Trinity River, and other physical property located in the Oak Cliff section of the City of Dallas, Texas, pursuant to franchise provisions and agreements entered into in 1917, is presently leased by Northern Texas Company to Dallas Railway for an annual rental of $186,062.76. Both Northern Texas Company and Dallas Railway are non-utility subsidiaries of Electric as defined in the Public Utility Holding Company Act of 1935. As a result of the proposed transaction Northern

Texas Company will become a subsidiary of Dallas Railway, at which time it is further proposed that Northern Texas Company will convey all of its assets to Dallas Railway and thereafter Northern Texas Company will be dissolved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5769; Filed, August 6, 1941; 12:08 p. m.]

[File No. 812-177]

IN THE MATTER OF PATHE FILM CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order extending the time within which to file with the Commission its registration statement pursuant to section 8 (b) of the said Act;

It is ordered, That a hearing on the matter of the application of the above named applicant for an extension of time within which to file with the Commission its registration statement pursuant to section 8 (b) of the Investment Company Act of 1940 be held August 13, 1941, at 10.00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5798; Filed, August 7, 1941; 11:25 a. m.]

[File No. 812-176]

IN THE MATTER OF PATHE FILM CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order extending the time within which to transmit to stockholders reports specified under section 30 (d) of the said Act;

It is ordered, That a hearing on the matter of the application of the above named applicant for an extension of time within which it may transmit to the stockholders the report specified in section 30 (d) of the Investment Company Act of 1940 be held August 13, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5799; Filed, August 7, 1941; 11:25 a. m.]

[File No. 70-372]

IN THE MATTER OF HAZLETON WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than August 21, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Hazleton Water Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, proposes to modify and amend its outstanding First Mortgage Bonds, Series A, 4½%, due March 1, 1958, and the Indenture, dated as of March 1, 1938, securing such bonds, so that the interest accruing on the bonds from and after September 1, 1941, shall be at the rate of 4% per annum, instead of 4½% as at present, and the premium on the principal of the bonds, payable upon redemption thereof, be increased in certain specified sums. The company indicates that the transactions outlined and which have the approval of the three insurance companies holding at the present time all such outstanding bonds will be solely for the purpose of effecting savings, to be used in financing the business of the company. The transactions have been expressly authorized by the Pennsylvania Public Utility Commission, the Commission of the Commonwealth in which the company is organized and doing business.

Applicant has indicated sections 6 (a) and 6 (b) as being applicable to said transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5800; Filed, August 7, 1941; 11:25 a. m.]

[File No. 70-329]

IN THE MATTER OF OGDEN CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

Ogden Corporation, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 regarding purchase by the applicant of 1,782 shares of Preferred Stock of Newport Water Corporation held by others than itself for $39 per share; and

Ogden Corporation thereafter having requested the withdrawal of such application; and

It appearing that such request should be granted;

It is ordered, That consent be, and hereby is, given to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-5801; Filed, August 7, 1941; 11:25 a. m.]